

§ 618. Special rules for leased buildings**(a) Specifications**

Notwithstanding the provisions of section 490(h)(1) of this title, the Administrator shall not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant use by, the United States until the Administrator has established detailed specification requirements for such building.

(b) Competitive procedures

The Administrator may acquire a leasehold interest in any building which is constructed for lease to, and for predominant use by, the United States only by the use of competitive procedures required by section 253 of title 41.

(c) Inspections

The Administrator shall inspect every building to be constructed for lease to, and for predominant use by, the United States during the construction of such building in order to determine that the specifications established for such building are complied with.

(d) Enforcement**(1) Post-construction evaluation**

Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such building for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in subsection (a) of this section.

(2) Contract clause

The Administrator shall ensure that any contract entered into for a building described in paragraph (1) shall contain provisions permitting a reduction of rent during any period when such building is not in compliance with such specifications.

(Pub. L. 86-249, §20, as added Pub. L. 100-678, §5, Nov. 17, 1988, 102 Stat. 4050.)

§ 619. Compliance with nationally recognized codes**(a) Building codes**

Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of such Federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes. Such other codes shall include, but not be limited to, electrical codes, fire and life safety codes, and plumbing codes, as determined appropriate by the Administrator. In carrying out this subsection, the Administrator or the head of the Federal agency authorized to construct or alter the building shall use the latest edition of the nationally recognized codes referred to in this subsection.

(b) Zoning laws

Each building constructed or altered by the General Services Administration or any other

Federal agency shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of—

(1) zoning laws, and

(2) laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, and esthetic qualities of a building, and other similar laws,

of a State or a political subdivision of a State which would apply to the building if it were not a building constructed or altered by a Federal agency.

(c) Special rules**(1) State and local government consultation, review, and inspections**

For purposes of meeting the requirements of subsections (a) and (b) of this section with respect to a building, the Administrator or the head of the Federal agency authorized to construct or alter the building shall—

(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Administrator or the head of the Federal agency, as the case may be—

(i) a copy of such schedule before construction of the building is begun; and

(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

(2) Limitation on State responsibilities

Nothing in this section shall impose an obligation on any State or political subdivision to take any action under paragraph (1).

(d) State and local government recommendations

Appropriate officials of a State or a political subdivision of a State may make recommendations to the Administrator or the head of the Federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (a) and (b) of this section. Such officials may also make recommendations to the Administrator or the head of the Federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the Federal agency shall give due consideration to any such recommendations.

(e) Effect of noncompliance

No action may be brought against the United States and no fine or penalty may be imposed against the United States for failure to meet the requirements of subsection (a), (b), or (c) of this section or for failure to carry out any recommendation under subsection (d) of this section.

(f) Limitation on liability

The United States and its contractors shall not be required to pay any amount for any action taken by a State or a political subdivision of a State to carry out this section (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

(g) Applicability to certain buildings

This section applies to any project for construction or alteration of a building for which funds are first appropriated for a fiscal year beginning after September 30, 1989.

(h) National security waiver

This section shall not apply with respect to any building if the Administrator or the head of the Federal agency authorized to construct or alter the building determines that the application of this section to the building would adversely affect national security. A determination under this subsection shall not be subject to administrative or judicial review.

(Pub. L. 86-249, §21, as added Pub. L. 100-678, §6(a), Nov. 17, 1988, 102 Stat. 4051.)

NOTIFICATION OF FEDERAL AGENCIES

Section 6(b) of Pub. L. 100-678 provided that: "Not later than 180 days after the date of the enactment of this section [Nov. 17, 1988], the Administrator of General Services shall notify the heads of all Federal agencies of the requirements of section 21 of the Public Buildings Act of 1959 [40 U.S.C. 619]."

**CHAPTER 13—NATIONAL CAPITAL
TRANSPORTATION PROGRAM****§§ 651, 652. Repealed. Pub. L. 91-143, §8(a)(1),
Dec. 9, 1969, 83 Stat. 322**

Section 651, Pub. L. 86-669, title I, §102, July 14, 1960, 74 Stat. 537, stated Congressional findings and policy respecting National Capital transportation.

Section 652, Pub. L. 86-669, title I, §103, July 14, 1960, 74 Stat. 537, defined "National Capital region" and "government agency" and "government agencies". Article I of Title I (General Compact Provisions) of the Washington Metropolitan Area Transit Regulation Compact, set out in District of Columbia Code under §1-2411, and Article III of Title III (the Washington Metropolitan Area Transit Authority Compact) of the Washington Metropolitan Area Transit Regulation Compact, set out in District of Columbia Code under §1-2431, define the Washington Metropolitan Area Transit District and Washington Metropolitan Area Transit Zone, respectively.

**§ 661. Repealed. Pub. L. 91-143, §8(a)(1), Dec. 9,
1969, 83 Stat. 322**

Section, Pub. L. 86-669, title II, §201, July 14, 1960, 74 Stat. 538; Pub. L. 88-426, title III, §305(32), Aug. 14, 1964, 78 Stat. 426, established National Capital Transportation Agency, provided for appointment and described duties of an Administrator and Deputy Administrator, prohibited such officials from engaging in any other business, and such officials and any member of Advisory Board from having any financial interest in any public transportation corporation or corporation manufacturing or selling passenger transportation equipment or facilities. The Washington Metropolitan Area Transportation Authority Compact, set out in District of Columbia Code under §1-2431, provides in Article III of such Compact for the Washington Metropolitan Area Transit Authority as the successor agency and mem-

bership, compensation, conflict of interest, etc., provisions.

**§ 662. Repealed. Pub. L. 89-774, §5(b), Nov. 6,
1966, 80 Stat. 1353**

Section, Pub. L. 86-669, title II, §202, July 14, 1960, 74 Stat. 538; Pub. L. 89-173, §7, Sept. 8, 1965, 79 Stat. 666, established an Advisory Board of National Capital Transportation Agency, composed of seven members, provided for their appointment and compensation, and prescribed their duties. The Board and the Agency were superseded by Board of Directors of Washington Metropolitan Area Transit Authority and such Authority, respectively.

**§§ 663 to 665. Repealed. Pub. L. 91-143, §8(a)(1),
Dec. 9, 1969, 83 Stat. 322**

Section 663, Pub. L. 86-669, title II, §203, July 14, 1960, 74 Stat. 539, authorized establishment of advisory and coordinating committees, required them to make recommendations concerning the problems and activities of the National Capital Transportation Agency, and provided for travel expenses of members of the committees.

Section 664, Pub. L. 86-669, title II, §204, July 14, 1960, 74 Stat. 539, related to transit development program for the National Capital, and required its preparation and conformance with general plan for development of National Capital region; specified special considerations; required preparation of proposals for implementing parts of program, transmittal of report to Congress, and authorization for execution of work; submission of a program; acquisition, construction, or operation of property, rights-of-way, or facilities, and submission of plan; research and surveys, and cooperation with Governmental agencies and private organizations; submission of recommendations for organization and financial arrangements for transportation, and consultations.

Section 665, Pub. L. 86-669, title II, §205, July 14, 1960, 74 Stat. 541; Pub. L. 87-367, title I, §103(4), Oct. 4, 1961, 75 Stat. 787, provided for functions, duties, and powers of the National Capital Transportation Agency under the National Capital Transportation Act of 1960, formerly classified to this chapter, and provided for exemption from taxation, agreements with Governmental agencies, condemnation proceedings, and appropriations.

**§ 671. Repealed. Pub. L. 91-143, §8(a)(1), Dec. 9,
1969, 83 Stat. 322**

Section, Pub. L. 86-669, title III, §301, July 14, 1960, 74 Stat. 544, authorized State of Maryland, Commonwealth of Virginia, and Commissioner of the District of Columbia to negotiate an interstate compact for solution of problems of regional character in the National Capital, including regional transportation facilities, required approval by Congress of the compact, required submission of recommendations by President for transfer of real and personal property, records, personnel, and other assets and liabilities to organization established under compact between Maryland and Virginia to assume functions and duties of National Capital Transportation Agency, provided for appointment, compensation, office space, and administrative services for Federal representative to compact negotiations, made available appropriations for payment of compensation and travel expenses, and authorized the State and Federal representatives to request information from the Agency and such Agency to cooperate with the compact representatives.

§ 672. Omitted

CODIFICATION

Section, Pub. L. 89-774, §3, Nov. 6, 1966, 80 Stat. 1352, which provided for transfer of functions and duties of National Capital Transportation Agency to Washington